

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CAVIUM, INC.,)
v. Plaintiff,)
CROWN POINT TRANSACTIONS LLC AND) 2:17-mc-00002-JRG
ANDREW HEIN,)
Defendants.)

)

ALACRITECH, INC.,)
v. Plaintiff,)
TIER 3, ET AL., WISTRON CORPORATION,) 2:16-cv-00693-RWS-RSP (LEAD CASE)
ET AL., DELL INC.,)
Defendants) 2:16-cv-00695-RWS-RSP
and)
INTEL CORPORATION, CAVIUM, INC.,)
Intervenors.)

)

**OPPOSED MOTION FOR LEAVE TO FILE REPLY
IN SUPPORT OF CAVIUM'S MOTION TO COMPEL**

Intervenor Cavium, Inc.¹ respectfully requests leave, pursuant to Judge Gilstrap's Standing Order Regarding "Meet and Confer" Obligations Relating to Discovery Disputes, to file a three (3) page reply brief in support of its motion to compel documents with respect to subpoenas served on Crown Point Transactions LLC and Andrew Hein ("Respondents"). Cavium originally file its motion to compel on October 4, 2017 in the U.S. District Court for the Southern District of Indiana. [Dkt. No. 3 in Civil Action No. 1:17-mc-00070]. Respondents moved to transfer the motion to compel under Federal Rule of Civil Procedure 45(f), and the motion to transfer to this Court was granted on October 18, 2017. [Dkt. Nos. 15 and 20 in Civil Action No. 1:17-mc-00070].

As explained in the concurrently filed reply brief, the parties conducted a deposition of Respondent Andrew Hein on October 19, 2017, after Cavium had filed its motion to compel on October 4, 2017. Cavium learned during the deposition that a diligent investigation had not been performed regarding allegedly corrupt documents and other Alacritech-related documents. Cavium therefore respectfully requests leave to (1) address the new information learned during the deposition and (2) to respond to and clarify certain factual inaccuracies raised in Respondents' opposition.

Cavium's proposed reply brief is being filed concurrently with this motion for leave, and Cavium respectfully requests that the Court consider the reply in ruling on Cavium's motion to compel further responses to subpoenas to produce documents to Crown Point Transactions LLC and Andrew Hein.

¹ Cavium, Inc. is an intervenor in Civil Action No. 2:16-cv-693 and a movant in Civil Action No. 1:17-mc-70. The matters have not yet been consolidated and this motion is being filed in both civil actions.

Dated: October 24, 2017

Respectfully submitted,

/s/ Megan Whyman Olesek

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**ATTORNEYS FOR INTERVENOR
CAVIUM, INC.**

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that Intervenor Cavium, Inc. has complied with Local Rule CV-7(h). Cavium proposed that it file its reply on October 24, 2017 and that Respondents file a surreply on October 31, 2017. Respondents have indicated that they are opposed.

/s/ Melissa R. Smith _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 24, 2017 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Melissa R. Smith _____